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April 17, 2017

**BY ECF**

The Honorable Dora L. Irizarry  
Chief United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *United States v. Agron Hasbajrami,*  
11 Cr. 623 (DLI)

Dear Judge Irizarry:

This letter, submitted on behalf of defendant Agron Hasbajrami (whom Michael K. Bachrach and I represent), seeks reconsideration of the Court's April 6, 2017, Memorandum and Order (Docket #171) denying his motion to grant his counsel (with security clearance) access to the redacted portions of Judge John Gleeson's February 18, 2016 (Docket #165, dated March 8, 2106), decision denying Mr. Hasbajrami's motion to suppress intercepted electronic communications.

Reconsideration is respectfully requested to clarify an issue that is not, because of the nature of the motion, within defense counsel's knowledge, but is within the Court's and government's knowledge: whether the redacted material is information that was included in the government's applications for a warrant pursuant to the Foreign Intelligence Surveillance Act ("FISA"), 50 U.S.C. §1801, *et seq.*, or other classified information relied on by Judge Gleeson in reaching the conclusions set forth in his opinion denying the motion to suppress.

If the redacted information is in the latter category, then the defense's position is that counsel with security clearance should be permitted to review the redacted material pursuant to the provisions of the Classified Information Procedures Act ("CIPA"), 18 U.S.C. App. III. Even if the information is in the former category, the defense's position is that, in light of the

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Hon. Dora L. Irizarry  
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Page 2 of 2

importance of this appeal, and the contents of the redacted information to the appeal, counsel with security clearance should be granted access to the redacted portions pursuant to the provisions of FISA, §§1806(f) and/or (g), and in order to afford Mr. Hasbajrami due process as guaranteed him by the Fifth Amendment to the U.S Constitution in relation to his appeal, a stage of the proceedings that Judge Gleeson did not address in his decision denying defense counsel access to the material prior to Mr. Hasbajrami's guilty plea.

Accordingly, it is respectfully submitted that this motion for reconsideration be granted.

Respectfully submitted,



Joshua L. Dratel

JLD/